

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

(For **Revocation** of Probation or Supervised Release)

(For Offenses Committed On or After November 1, 1987)

Kenneth Wayne Tolbert

Case Number: DNCW 104CR000059-001

USM Number: 18676-058

Steven George Slawinski

Defendant's Attorney

**THE DEFENDANT:**

       Admitted guilty to violation of condition(s)        Of the term of supervision.  
X was found in violation of condition(s) count(s) 2,3,4,5,6,7,8,9 after denial of guilt.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following violation(s):

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Concluded</u>
2	Failure to Report Contact with law Enforcement Officer	12/27/08
3	Failure to Report to Probation Officer as Instructed	2/6/2009
4	Failure to Submit Monthly Supervision Reports	2/5/2009
5	Failure to Comply With Drug Testing/Treatment Requirements	2/10/2009
6	Failure to Make Required Court Payments	2/27/2009
7	Drug/Alcohol Use	5/14/2009
8	Failure To Comply With Drug Testing / Treatment Requirements	5/12/2009
9	Failure To Report Change In Residence	3/13/2009 and 4/27/2009

The Defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

       The Defendant has not violated condition(s)        And is discharged as such to such violation(s) condition.

**IT IS ORDERED** that the Defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Signed: June 3, 2009  
□



Lacy H. Thornburg  
United States District Judge



Defendant: Kenneth Wayne Tolbert  
Case Number: DNCW104CR000059-001

Judgment-Page 2 of 3

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of eighteen (18) months.

       The Court makes the following recommendations to the Bureau of Prisons:

  X   The Defendant is remanded to the custody of the United States Marshal.

       The Defendant shall surrender to the United States Marshal for this District:

       As notified by the United States Marshal.

       At        a.m. / p.m. on       .

       The Defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

       As notified by the United States Marshal.

       Before 2 p.m. on       .

       As notified by the Probation Office.

**RETURN**

I have executed this Judgment as follows:

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

Defendant: Kenneth Wayne Tolbert  
Case Number: DNCW104CR000059-001

Judgment-Page 3 of 3**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$0.00	\$0.00	\$385.00
		***Total outstanding balance of Restitution due and remains in effect as outlined in Judgment entered 2/15/2005***

**FINE**

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

☐ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ The interest requirement is waived.

☐ The interest requirement is modified as follows:

**COURT APPOINTED COUNSEL FEES**

☐ The defendant shall pay court appointed counsel fees.

☐ The defendant shall pay \$\_\_\_\_\_ Towards court appointed fees.

Defendant: Kenneth Wayne Tolbert  
Case Number: DNCW104CR000059-001

Judgment-Page 3a of 3

## RESTITUTION PAYEES

The defendant shall make restitution to the following payees in the amounts listed below:

<u>NAME OF PAYEE</u>	<u>AMOUNT OF RESTITUTION ORDERED</u>
United States Probation Office	\$385.00

\_\_\_ The defendant is jointly and severally liable with co-defendants for the total amount of restitution.

\_\_\_ Any payment not in full shall be divided proportionately among victims.